

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS DIVISION**

In Re:	Case No. 16-52886
Lois K Forsythe	Chapter 13
Debtor(s).	Judge C. Kathryn Preston

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**AMENDED MOTION TO REOPEN CASE**

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Now comes U.S. Bank Trust National Association, as Trustee of the FW Series I Trust, SN Servicing Corporation as Servicer ('Movant'), by and through its counsel, and moves pursuant to LBR 5010-1(a) to reopen the case. In support of this Amended Motion, Movant states as follows:

1. The Debtor filed bankruptcy pursuant to chapter 13 of the Bankruptcy Code on April 30, 2016. Debtor's filed Schedule D indicates both a first and a second mortgage on the property located at 1729 Flint Lane, Coshocton, Ohio 43812. Movant holds the first mortgage on the property, and filed its proof of claim on 8/29/2016. Attached to the proof of claim, is a copy of Movant's mortgage which was recorded on 1/16/2008 in Coshocton County, Ohio at Vol. 462, Page 123.

2. On 8/18/2016, Debtor filed a Motion to Avoid the Second Mortgage lien on that property for the mortgage which was recorded on 1/30/2008 in Coshocton County, Ohio at Volume 462, Page 962. However, the Debtor apparently uploaded an incorrect Order to the Court that indicated that Movant's first mortgage was being avoided. On October 3, 2016, the Court entered that incorrect Order.

3. On June 22, 2020, the Court entered an Order granting the Debtor's Motion for Hardship Discharge. The Debtor's hardship discharge only applied to unsecured debt.

4. Movant seeks to reopen the case for the purpose of filing a Motion to Vacate the incorrect October 3, 2016 Order, and to request that a corrected Order be entered.

5. The October 3, 2016 Order indicates that the lien avoidance is effective at discharge. The discharge was entered on June 23, 2020. The lien release was recorded on July 1, 2021. Movant conducted a title search in 2020, but the release had not been recorded as of that date. Movant ran a title search again to start the foreclosure process, which is when this issue was identified. Movant would have otherwise taken action previously in regard to the incorrect Order .

**WHEREFORE**, Movant requests that Case No. 16-52886 be re-opened for the purpose of filing a Motion to Vacate the incorrect October 3, 2016 Order, and to request that a corrected Order be entered.

Respectfully Submitted,

/s/ Jon J. Lieberman

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Amended Motion was served **electronically** on March 25, 2022 through the Court's ECF System on all ECF participants registered in this case at the e-mail address registered with the Court

And by **first class mail** on March 25, 2022 addressed to:

Lois K Forsythe, Debtor  
1729 Flint Lane  
Coshocton, OH 43812

/s/ Jon J. Lieberman

Jon J. Lieberman (0058394)

Attorney for Movant